

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TOMMY CARVER,)	
)	
Plaintiff,)	
)	
v.)	1:17CV986
)	
JOSEPH VALLIERE, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 4, 2019, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 51.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that the motion for summary judgment by Defendants Joseph Valliere, Catherine Brown, Mike Williams, Susan Glover, Kimberly Click, and Deana Loflin (Doc. 40) be GRANTED with respect to (1) all claims seeking declaratory or injunctive relief, (2) all claims seeking monetary damages against Movant Defendants in their official capacity, and (3) as all claims

brought under the Eighth Amendment, and all these claims will be DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that all claims seeking monetary damages against the moving Defendants in their individual capacities for intentional infliction of emotional distress be DISMISSED WITHOUT PREJUDICE to Plaintiff's pursuit of those claims in state court.

As this resolves all claims in this case, including those as to persons who were never served in accordance with this court's prior notice and warning (Doc. 4), judgment dismissing this action will be entered contemporaneously with this Order.

 /s/ Thomas D. Schroeder
United States District Judge

January 22, 2020